

DETAILED ACTION

1. Applicant is advised that should claim 18 be found allowable, claim 19 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1-28, the phrase "food containing soybean component" renders the claims indefinite because it is unclear what kind of food is encompassed by the phrase. In light of the disclosure on page 2, paragraphs 4-5, pages 3-4, paragraphs 10-14, and page 8, paragraph 30, the examiner is interpreting the claim as being directed to bean curd.

Regarding claims 1-28, the term "soymilk-like" renders the claim indefinite because it is unclear what is meant by "like" or what types of liquids are encompassed by this phrase.

Regarding claims 3-24, the term "freeze-up" renders the claim indefinite. It is unclear what processes are encompassed by the term "freeze-up". Does applicant mean freezing and/or freeze drying? Clarification is requested.

4. Claims 3-4 recite the limitation "the soymilk-like liquid" in line 3. There is insufficient antecedent basis for this limitation in the claim.
5. A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949):

- claim 8 recites the broad recitation "the soymilk liquid contains 6% or more", and the claim also recites "preferably 8% to 20%" which is the narrower statement of the range/limitation.

- claim 10 recites the broad recitation "proteins", and the claim also recites "such as gelatin" which is the narrower statement of the range/limitation.

- claim 11 recites the broad recitation "0.01 to 0.08 wt%" of a soymilk coagulant, and the claim also recites "preferably 0.05 to 0.3 wt%" which is the narrower statement of the range/limitation.

- claims 11 and 12 recite the broad recitation “0.05 to 4 wt% of a gelling agent”, and the claim also recites “preferably 0.1 to 2 wt%” which is the narrower statement of the range/limitation.

- claim 11 recites the broad recitation “0.01 to 4 wt% of a thickening agent derived from yam”, and the claim also recites “preferably 0.04 to 2 wt%” which is the narrower statement of the range/limitation.

- claim 11 recites the broad recitation “0.01 to 4 wt% of thickening agent derived from cheese whey”, and the claim also recites “preferably 0.04 to 2 wt%” which is the narrower statement of the range/limitation.

- claim 11 recites the broad recitation “0.01 to 3 wt% of a shape loss preventing agent”, and the claim also recites “preferably 0.03 to 2 wt%” which is the narrower statement of the range/limitation.

- claim 12 recites the broad recitation “0.3 to 0.8 wt%” of a soymilk coagulant, and the claim also recites “preferably 0.4 to 0.6 wt%” which is the narrower statement of the range/limitation.

- claim 12 recites the broad recitation “0.1 to 3 wt% of a thickening agent derived from yam”, and the claim also recites “preferably 0.5 to 2 wt%” which is the narrower statement of the range/limitation.

- claim 12 recites the broad recitation “0.5 to 15 wt% of thickening agent derived from cheese whey”, and the claim also recites “preferably 1 to 8 wt%” which is the narrower statement of the range/limitation.

- claim 12 recites the broad recitation "0.5 to 5 wt% of a shape loss preventing agent", and the claim also recites "preferably 1 to 3 wt%" which is the narrower statement of the range/limitation.

Regarding claim 10, the recitation "gelatin, etc." renders the claim indefinite. It is unclear what is encompassed by "etc.".

Regarding claim 13, the recitation "heating the mixture of the soymilk coagulant or higher then cooling the mixture" renders the claim indefinite. It is not clear what "or higher" is referring to.

6. Claims 15-20 recite the limitation "the food product containing a soybean component according to claim 3", claims 21-24 recite the limitation "the food product of a fixed shape according to claim 3" and claims 25-28 recite the limitation "the food containing soybean component according to claim 1". There is insufficient antecedent basis for these limitations in the claims given that claim 3 is drawn to a "food containing soybean component" not a "food product containing a soybean component" or "food product of a fixed shape" and given that claim 1 is drawn to an "ingredient" not "food containing soybean component".

Regarding claims 15-20, the recitation "A food containing soybean component obtained by mixing . . . with/to the food product containing a soybean component according to claim 3" renders the claims indefinite given that claim 3 is drawn to a "food containing soybean component" not a "food product containing a soybean component". Does the applicant mean "A food product obtained by mixing . . . with/to the food containing soybean component of claim 3?"

Regarding claims 21-24, the recitation "A food containing soybean component obtained by . . . food product containing a soybean component according to claim 3" renders the claims indefinite given that claim 3 is drawn to a "food containing soybean component" not a "food product containing a soybean component". Does the applicant mean "A food product obtained by . . . the food containing soybean component of claim 3?"

7. The term "medium-strength" in claims 25-27 and the terms "weak" and "strong" in claim 26 are relative terms which render the claim indefinite. The terms "weak", "strong" and "medium-strength" are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is unclear what strength of powder is encompassed by the terms "weak", "medium", or "strong" strength powder. Further, it is not clear what property is being defined by strength.

Regarding claims 25-28, the recitation "A food containing soybean component, obtained by mixing....with the food containing soybean component according to claim 1 or 2 as ingredient" renders the claim indefinite. Does the applicant mean "A food product obtained by mixing . . . with the food containing soybean component according to claim 1 or 2?"

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 3, 5-6, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Karasawa (JP 5-184321 A; Machine Translation).

Regarding claim 1, Karasawa discloses an ingredient for tofu produced by mixing Chinese yam starch with soymilk ([0005], [0009]).

Regarding claim 3 and 5, Karasawa discloses tofu produced by mixing soybean coagulant, gelatin (i.e. gelling agent), and Chinese yam starch with soymilk ([0006], [0009], [0017]/Working Example 1). Karasawa also discloses that the tofu is preserved by freeze-drying ([0001]).

Regarding claim 6, given that Karasawa discloses a food containing soybean component wherein the thickening agent is derived from Chinese yam starch, the limitation of claim 6 is met.

Regarding the method limitations recited in claim 3 the examiner notes that even though a product-by-process is defined by the process steps by which the product is made, determination of patentability is based on the product itself. In re Thorpe, 777 F.2d 695, 227 USPQ 964 (Fed. Cir. 1985). As the court stated in Thorpe, 777 F.2d at 697, 227 USPQ at 966 (The patentability of a product does not depend on its method of production. In re Pilkington, 411 F.2d 1345, 1348, 162 USPQ 145, 147 (CCPA 1969). If the product in a product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process.).

Regarding claim 13, Karasawa discloses a method for producing tofu preserved by freeze-drying ([0001]-[0002]) comprising the steps of; heating soymilk to a temperature of 20° to about 40° C; mixing a soymilk coagulant and a gelling agent with the soymilk at 20° to about

40° C; adding Chinese yam starch; and heating the mixture and cooling the mixture ([0012], [0017]/Working Example 1, see Chinese yam starch- [0019]/Working Example 2).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 2, 4, 7-12, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karasawa (JP 5-184321 A; Machine Translation) in view of over Shuichi (JP 9-094075 A; Machine Translation).

Regarding claim 2, Karasawa discloses an ingredient for tofu produced by mixing Chinese yam starch with soymilk ([0006], [0009]).

Karasawa fails to disclose a shape loss preventing agent derived from animal protein.

Shuichi teaches an ingredient for tofu produced by mixing a thickening agent including starch and milk serum protein (i.e. shape loss preventing agent) with soymilk ([0009], [0016]). Shuichi teaches that milk serum protein improves the texture frozen tofu ([0012]). Further, Shuichi teaches that when milk serum protein is added to tofu and frozen, the texture of the original tofu is maintained ([0012]).

Karasawa and Shuichi are combinable because they are concerned with the same field of endeavor, namely, preserved tofu. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have added milk serum protein, as taught by Shuichi, to the tofu of Karasawa for the purpose of improving and maintaining texture.

Regarding claims 4 and 7, Karasawa discloses tofu produced by mixing soybean coagulant, gelatin (i.e. gelling agent), and Chinese yam starch with soymilk ([0009], [0017]/Working Example 1). Karasawa also discloses that the tofu is preserved by freeze-drying ([0001]).

Karasawa fails to disclose a shape loss preventing agent derived from animal protein.

Shuichi teaches an ingredient for tofu produced by mixing a thickening agent including starch and milk serum protein (i.e. shape loss preventing agent) with soymilk ([0009], [0016]).

Shuichi teaches that milk serum protein improves the texture frozen tofu ([0012]). Further, Shuichi teaches that when milk serum protein is added to tofu and frozen, the texture of the original tofu is maintained ([0012]).

Karasawa and Shuichi are combinable because they are concerned with the same field of endeavor, namely, preserved tofu. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have added milk serum protein, as taught by Shuichi, to the tofu of Karasawa for the purpose of improving and maintaining texture.

Regarding the method limitations recited in claim 4 the examiner notes that even though a product-by-process is defined by the process steps by which the product is made, determination of patentability is based on the product itself. In re Thorpe, 777 F.2d 695, 227 USPQ 964 (Fed. Cir. 1985). As the court stated in Thorpe, 777 F.2d at 697, 227 USPQ at 966 (The patentability of a product does not depend on its method of production. In re Pilkington, 411 F.2d 1345, 1348, 162 USPQ 145, 147 (CCPA 1969). If the product in a product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process.).

Regarding claim 8, modified Karasawa discloses all of the claim limitations as set forth above and that the soymilk contains about 8 to 13% solid soybean content ([0007]).

Regarding claim 9, modified Karasawa discloses all of the claim limitations as set forth above and that the soymilk coagulant contains at least one from the group consisting of calcium sulfate, calcium chloride, bittern, and gluconodeltalactone ([0007]).

Regarding claim 10, modified Karasawa discloses all of the claim limitations as set forth above and that the gelling agent is at least one selected from the group consisting of gelatin,

seaweed polysaccharide, sap polysaccharide, see polysaccharide, and microorganism polysaccharide ([0008]).

Regarding claims 11-12, modified Karasawa discloses all of the claim limitations as set forth above. Karasawa also discloses that the tofu comprises 1.0-1.5 parts of a combination of Chinese yam starch and gelling agent to 100 parts soymilk ([0006]). Shuichi teaches a tofu comprising 0.1-2.0 parts milk serum protein (shape loss preventing agent and thickening heat treatment agent- derived from cheese whey) to 100 parts soymilk ([0016]-[0017]).

While Karasawa discloses a tofu comprising soybean coagulant the reference fails to disclose the amount.

Shuichi teaches a tofu comprising 0.2-0.8 parts soybean coagulant to 100 parts soymilk. Given that soybean coagulants are commonly used to produce tofu from soymilk, since Karasawa disclose soybean coagulant broadly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a soybean coagulant, including 0.2-0.8 parts soybean coagulant to 100 parts soymilk, as taught by Shuichi, to arrive at the current invention.

Regarding claim 14, Karasawa discloses a method for producing tofu preserved by freeze-drying ([0001]-[0002]) comprising the steps of; heating soymilk to a temperature of 20° to about 40° C; mixing a soymilk coagulant and a gelling agent with the soymilk at 20° to about 40° C; adding Chinese yam starch; and heating the mixture and cooling the mixture ([0012], [0017]/Working Example 1, see Chinese yam starch- [0019]/Working Example 2).

Karasawa does not disclose mixing a shape loss preventing agent into the soymilk mixture.

Shuichi teaches tofu produced by mixing a thickening agent including starch and milk serum protein (i.e. shape loss preventing agent) with heated soymilk ([0009], [0016], [0021]). Shuichi teaches that milk serum protein improves the texture frozen tofu ([0012]). Further, Shuichi teaches that when milk serum protein is added to tofu and frozen, the texture of the original tofu is maintained ([0012]).

Karasawa and Shuichi are combinable because they are concerned with the same field of endeavor, namely, preserved tofu. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have added milk serum protein, as taught by Shuichi, to the tofu of Karasawa for the purpose of improving and maintaining texture.

14. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karasawa (JP 5-184321 A; Machine Translation) and further in view of Matsuda et al. (JP 410327826 A - Abstract only).

Regarding claim 15, Karasawa discloses all of the claim limitations as set forth above. Karasawa does not disclose mixing the ingredients of Chawan Mushi with the tofu of claim 3.

Matsuda et al. teach a Chawan Mushi comprising egg, water, seasonings, and broth sauce (Abstract). Karasawa disclose the tofu of claim 3. Given the disclosed ingredients were known, their flavor properties were known and characterized, and each was known to be used in, and contribute to the flavor of food compositions, it would have been obvious to one of ordinary skill in the art at the time of the invention to have mixed the ingredients of Chawan Mushi with the tofu of claim 3 and arrive at the current invention. Further, one would add tofu to the ingredients

of Chawan Mushi to increase the nutritional value, including protein, vitamin B, calcium, fiber, and omega-3 fatty acids, of the resulting food product.

15. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karasawa (JP 5-184321 A; Machine Translation) and further in view of Cooking Light January 2000 ("Tropical Tofu Smoothie").

Regarding claim 16, Karasawa discloses all of the claim limitations as set forth above. Karasawa does not disclose mixing at least one ingredient selected from the group consisting of fruit, fruit juice and dairy products with the tofu of claim 3.

Cooking Light January 2000 teaches a tropical flavored fruit smoothie comprising pineapple, strawberries, orange juice, vanilla yogurt and tofu (Ingredients).

Karasawa and Cooking Light January 2000 are combinable because they are concerned with the same field of endeavor, namely, tofu. Given that it was known to mix tofu with strawberries, pineapple, orange juice and vanilla yogurt, it would have been obvious to one of ordinary skill in the art to mix the tofu of claim 3 with fruit, fruit juice and a dairy product.

16. Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karasawa (JP 5-184321 A; Machine Translation) and further in view of Cooking Light June 2000 ("Garlic-Herb Meat Loaf"), Cooking Light July 1995 ("Corn Meat Loaf") and Gourmet 2000 ("Mincemeat Pie").

Regarding claims 17-19, Karasawa disclose all of the claim limitations as set forth above. Karasawa does not disclose mixing beef mince, onion, bread crumb, starch, sugar, salt, pepper,

and nutmeg or chicken mince, salt, bread crumb, onion, pepper, garlic, and albumin to the tofu of claim 3.

Cooking Light June 2000 teaches a meat loaf comprising ground sirloin (i.e. beef mince), onion, salt, pepper, egg white and quick-cooking oats (i.e. starch) (Ingredients). Cooking Light July 1995 teaches a meat loaf comprising ground round (beef mince) and breadcrumbs (Ingredients). Gourmet teaches a mince beef pie comprising nutmeg and brown sugar (Ingredients). Additionally, a skilled artisan would know that ground chicken, turkey, pork, and beef can be used interchangeably. Given that each of the disclosed ingredients were known, their flavor properties were known and characterized, and each was known to be used in and contribute to the flavor of minced meat food products, since Karasawa discloses the tofu of claim 3, it would have been obvious to one of ordinary skill at the time of the invention to have mixed the tofu of claim 3 with the remaining ingredients and arrive at the current invention. Further, one would add tofu to the ingredients of meat loaf for the purpose of increasing the nutritional value, including protein, vitamin B, calcium, fiber, and omega-3 fatty acids, of the food composition.

Regarding claim 20, modified Karasawa disclose all of the claim limitations as set forth above. While Karasawa does not disclose applying butter and bread crumb to the minced meat and tofu product, it is well know to top meat dishes with a bread crumb and butter coating in order to make create a crunchy top. It would have been obvious to one of ordinary skill in the art at the time of the invention to have topped the minced meat and tofu product of modified Karasawa with a breadcrumb and butter topping to order to make a crunchy top.

17. Claim 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karasawa (JP 5-184321 A; Machine Translation) and further in view of Cooking Light May 1999 ("Parmesan-Herb Crusted Tofu").

Regarding claim 21, Karasawa disclose all of the claim limitations as set forth above. Karasawa does not disclose powdering then applying butter to the tofu of claim 3 and pre-frying.

Cooking Light May 1999 teaches a crusted tofu comprising a breadcrumb and flour based coating which is sautéed on both sides using non-stick spray (Ingredients, Directions). While Cooking Light May 1999 does not disclose the use of butter, a skilled artisan would know that a bread and flour coated product could be sautéed using oil, butter, or a cooking spray. Given that it was well known to coat and sauté tofu, it would have been obvious to one of ordinary skill in the art at the time of the invention to have coated and sautéed the tofu of claim 3 according to Cooking Light May 1999 and arrive at the current invention.

Regarding claim 23, Karasawa disclose all of the claim limitations as set forth above. Karasawa does not disclose soaking the tofu of claim 3 in salt water, draining liquid from it, frying and draining the oil.

Cooking Light May 1999 teaches a water-packed tofu, drained and sautéed in cooking spray. While Cooking Light May 1999 only discloses tofu that is water packed, it is well known to make brine solutions with salt to make a product salty in taste. Further, while Cooking Light May 1999 does not disclose the use of butter, a skilled artisan would know that a bread and flour coated product could be sautéed using oil, butter, or a cooking spray. Given that it was well known to soak tofu in a water solution where salt can be used to flavor the water and to sauté tofu, it would have been obvious to one of ordinary skill in the art at the time the invention was

made to have soaked the tofu of claim 3 in salt water to make the tofu salty and then sauté the tofu in oil.

18. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karasawa (JP 5-184321 A; Machine Translation) and further in view of a combination of Cooking Light May 1999 ("Parmesan-Herb Crusted Tofu"), Gourmet April 1996 ("Mushroom Gravy"), and Yoshinari (JP 2001 186866 – Abstract).

Regarding claim 24, Karasawa disclose all of the claim limitations as set forth above. Karasawa does not disclose roasted a fixed shape of the tofu in claim 3 and then applying a sauce.

Cooking Light May 1999 teach a sautéed tofu served with a sauce of mayonnaise, soy sauce and garlic (Ingredients). Gourmet April 1996 teaches a sauce comprising butter, soy sauce, garlic, and exotic mushrooms (Ingredients). Further, Yoshinari teach that it was well known to use maitake mushroom in sauces. Given that it was well known to sauté tofu and that each of the disclosed ingredients was known, their flavor properties were known and characterized, and each was known to be used in, and contribute to the flavor of food compositions, it would have been obvious to one of ordinary skill in the art at the time of the invention to have sautéed the tofu of claim 3 and applied a sauce comprising butter, garlic, red pepper, maitake, edible mushroom, and soy sauce.

19. Claims 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karasawa (JP 5-184321 A; Machine Translation) and further in view of Sawada (JP 58146249 A – Abstract).

Regarding claims 25-27, Karasawa disclose all of the claim limitations as set forth above. Karasawa does not disclose mixing strong, medium and weak strength powder, salt water, olive oil and Kansui (bittern) with the tofu ingredient of claim 1.

Sawada teaches an udon noodle comprising pulverized bean curd and buckwheat flour. Further, a skilled artisan would know to use salt and olive oil for flavoring, water to adjust the consistency of the dough, and Kansui to color the noodles yellow. Given that it was well known in the art to include pulverized bean curd (i.e. Soybean paste) in udon noodles, it would have been obvious to one of ordinary skill in the art at the time of the invention to have added the paste ingredient of claim 1 to the udon ingredients of Sawada and those ingredients known in the art to flavor, color, and adjust dough consistency, and arrive at the current invention.

20. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karasawa (JP 5-184321 A; Machine Translation) and further in view of Cooking Light May 2001 (“Cookies-and-Cream Ice Cream”) and Southern Living November 1999 (“Chocolate Mousse Present”).

Regarding claim 28, Karasawa disclose all of the claim limitations as set forth above. Karasawa does not disclose mixing sugar, beaten egg albumin, and fresh cream with the tofu ingredient of claim 1 (i.e. paste).

Cooking Light May 2001 teaches a chilled chocolate mousse comprising tofu (see blended until smooth - Directions/line 1), sugar, egg whites, and fat-free whipped topping

(Ingredients). Southern Living November 1999 teaches a chocolate mousse comprising whipping cream (Ingredients). Given that it was well known in the art to include blended tofu (tofu paste) in a chilled mousse product, since whipping cream (i.e. fresh cream) can be used in mousse rather than fat-free whipped topping, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have added the paste ingredient of claim 1 to the mousse ingredients of Cooking Light May 2001 and Southern Living November 1999 and arrive at the current invention.

Conclusion

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth Gwartney whose telephone number is (571) 270-3874. The examiner can normally be reached on Monday - Thursday; 7:30AM - 5:00PM EST, working alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie Shosho can be reached on (571) 272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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